IN THE UNITED STATES BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS

In Re:	)	**16-82923**
	)	**Chapter 13**
John Campanella	)	**Judge Thomas M. Lynch**
Debtor	)	
	)	**Hearing Date: January 20, 2017**
	)	**Hearing Time: 9:00 a.m.**

NOTICE OF MOTION

PLEASE TAKE NOTICE that on **Friday, January 20, 2017 at 9:00 a.m.**, or as soon thereafter as counsel may be heard, we shall appear before the Honorable Thomas M. Lynch, United States Bankruptcy Judge, in Courtroom 3100, U.S. Courthouse, 327 South Church Street, Rockford, IL 61101 or any other Judge sitting in his stead, and shall then and there present ***Bolder Contractors, Inc.'s Routine Motion to for Rule 2004 Examination,*** a copy of which is herewith served upon you.

WATT, TIEDER, HOFFAR & FITZGERALD LLP

By: /s/ *Lauren E. Rankins*

Lauren E. Rankins
WATT, TIEDER, HOFFAR & FITZGERALD, L.L.P.
10 S. Wacker Drive, Suite 2935
Chicago, IL 60606-7411
(312) 219-6900
(312) 559-2758 (Fax)
lrankins@watttieder.com

CERTIFICATE OF SERVICE

The undersigned certifies that on January 13, 2017, she caused the foregoing ***Bolder Contractors, Inc.'s Routine Motion to for Rule 2004 Examination*** to be electronically filed with the Clerk of the United States Bankruptcy Court, Northern District of Illinois, using the Court's CM/ECF system, which shall send notifications of such filing to all counsel of record. Parties may access this filing through the Court's CM/ECF system.

By: /s/ *Lauren E. Rankins*

Lauren E. Rankins
WATT, TIEDER, HOFFAR & FITZGERALD, L.L.P.
10 S. Wacker Drive, Suite 2935
Chicago, IL 60606-7411
(312) 219-6900
(312) 559-2758 (Fax)
lrankins@watttieder.com

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS,

In Re:	)	**16-82923**
	)	**Chapter 13**
John Campanella	)	**Judge Thomas M. Lynch**
Debtor	)	
	)	**Hearing Date: January 20, 2017**
	)	**Hearing Time: 9:00 a.m.**

ROUTINE MOTION FOR RULE 2004 EXAMINATION

NOW COMES Lauren E. Rankins of the law firm Watt, Tieder, Hoffar & Fitzgerald, L.L.P., as and for Bolder Contractors, Inc.'s Routine Motion to conduct an examination, pursuant to rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), Section 105(a) of title 11 of the United States Code (the "Bankruptcy Code"), and rule 9013-9 of the Local Rule of the United States Bankruptcy Court for the Northern District of Illinois (the "Local Rules"), and seeks to obtain documents from and/or conduct examinations of each of the parties identified below. In support of its Motion, Bolder Contractors, Inc. ("Bolder") respectfully states as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. § 1334.

2. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

3. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

4. The statutory predicates for relief requested herein are Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 2004.

5. This Motion is a "routine motion" pursuant to Local Rule 9013-9(A)(10).

6. The relief requested is being timely and properly presented to this Court pursuant to Bankruptcy Rule 9006(b)(1).

RELEVANT FACTS AND BACKGROUND

7. On December 20, 2015, John Campanella, ("Campanella") debtor herein, filed his voluntary petition under Chapter 13 of the Bankruptcy Code [Docket No.1].

8. Bolder is a creditor of Campanella. Debtor schedules Bolder as the holder of an unsecured debt for an undetermined amount. [Docket No. 10, Schedule E/F, Claim no. 4.3]

9. Campanella's schedules reflect that Campanella owns several businesses, including Campanella Sand and Gravel Inc. and Aggregate Logistics, Inc. [Docket No. 10, Schedule A/B, No. 19] which had been operating within the last eighteen months.

10. Campanella claims that each of Campanella Sand and Gravel Inc. and Aggregate Logistics, Inc. has a value of $100.00.

11. On information and belief, Debtor's wife, Lois Campanella, has recently incorporated a business, Lakeside Trucking, Inc., which employs Debtor. [Docket No. 10, Schedule I, No. 1].

RELIEF REQUESTED

12. Bolder requests that the Court enter an order pursuant to Bankruptcy Rule 2004 granting Bolder leave to: (i) take the examination of the Debtor, and require the Debtor to produce documents pursuant to a written request to produce; and (ii) issue subpoenas for the purpose of discovering matters relating to the acts, conduct, or property, or to the liabilities and financial condition of Campanella, and/or to any matter that may affect the administration of Campanella's bankruptcy estate, and directing examinees:

a. Campanella Sand and Gravel, Inc.;

b. Aggregate Logistics, Inc.;

c. Lakeside Trucking, Inc.; and

d. Lois Campanella;

(a) appear for examination at the date and time indicated on the subpoena, which date and time shall be within no less than fifteen (15) days following the receipt of any subpoena issued pursuant to this order at the office of Watt, Tieder, Hoffar & Fitzgerald, L.L.P., 10 S. Wacker Dr., Suite 2935, Chicago, IL 60606 (or at such other time and place to which the parties agree), with any such examination continuing from day-to-day until completed; and/or

(b) produce, within twenty (20) days following the receipt of any subpoena issued pursuant to this order at the office of Watt, Tieder, Hoffar & Fitzgerald, L.L.P., 10 S. Wacker Dr., Suite 2935, Chicago, IL 60606 (or at such other time and place to which the parties agree), to Robbins, Salomon & Patt, Ltd. the items, documents and tangible things described in such subpoena for inspection and copying.

BASIS FOR RELIEF

13. On motion of any party in interest, the Court may order the examination of any entity on "any matter which may affect the administration of the debtor's estate." Fed. R. Bankr. P. 2004(a) & (b). The attendance of a person for examination and for the production of documents may be compelled in accordance with Rule 45 of the Federal Rules of Civil Procedure, which governs the issuance of subpoenas. See also Fed. R. Bankr. P. 2004(c) and 9016.

14. The scope of a Rule 2004 inquiry is "unfettered and broad." See e.g., *In re Washington Mut., Inc.*, 408 B.R. 45, 49 (Bankr. D. Del. 2009); *In re Apex Oil Co.*, 101 B.R. 92, 102 (Bankr. E.D. Mo. 1989) ("It is well established that the scope of such an investigation is broad. The exploration can be in the nature of a fishing expedition."). The scope of Rule 2004 is far broader even than the scope of discovery under Federal Rule of Civil Procedure 26. See, e.g., *In re J & R Trucking, Inc.*, 431 B.R. 818, 821 (Bankr. N.D. Ind. 2010). The well-settled scope of discovery conducted under Rule 2004 is so fundamental to the bankruptcy process that courts have

approvingly described it as a "fishing expedition." See, e.g., *Keene Corp. v. JohnsManville Corp.* (*In re Johns-Manville Corp.*), 42 B.R. 362, 364 (S.D.N.Y. 1984); *J & R Trucking, Inc.*, 431 B.R. at 821.

15. Additionally, a Rule 2004 request concerns a proper area of inquiry when it "include[s] the examination of the debtor and third parties concerning the debtor's assets and affairs." *Id.*

16. Here, the proposed discovery directly pertains to numerous issues relating to the Debtor's assets and liabilities and his ability to re-pay creditor claims, including, without limitation, the ownership interests in the business entities identified by the Debtor, his acquisition of such interests, the value of the Debtor's assets and the amount and source of Debtor's liabilities. Bolder seeks to identify, among other things, potential avoidance actions and undisclosed assets.

NOTICE

17. Notice of this Motion has been given to: (a) the Debtor; (b) Debtor's attorney; (c) the United States Trustee for the Northern District of Illinois; (d) the Chapter 13 trustee; and, (e) all parties which receive notice through the Court's ECF filing system.

18. Bolder requests that the Court waive any further notice of this Motion.

19. This request is timely pursuant to Rule 9006(b), and is made in good faith, and not for the purpose of harassment or delay.

20. The granting of this request will not cause any party to suffer prejudice, while the denial of this request will cause Bolder to suffer substantial prejudice.

WHEREFORE, Bolder Contractors, Inc., respectfully requests that the Court enter an order, substantially in the form attached hereto, authorizing, but not directing, Bolder Contractors, Inc., to issue: (a) a notice to the Debtor to appear for his examination and to produce documents under Federal Rules of Bankruptcy Procedure 2004, at the date and time specified in the notice; and, (b) subpoenas for the production of documents and/or to compel attendance at examinations, to each of the examinees as specified above, pursuant to Fed. R. Civ. P. 30(b)(6), directing the examinee or a representative of each of the examinees to appear for examination and to produce documents under Federal Rules of Bankruptcy Procedure 2004, at the date and time specified in the subpoenas, as requested herein, and for such other relief to which Bolder Contractors, Inc., is entitled.

Respectfully submitted,
WATT, TIEDER, HOFFAR & FITZGERALD LLP

By: /s/ *Lauren E. Rankins*

Lauren E. Rankins
WATT, TIEDER, HOFFAR & FITZGERALD, L.L.P.
10 S. Wacker Drive, Suite 2935
Chicago, IL 60606-7411
(312) 219-6900
(312) 559-2758 (Fax)
lrankins@watttieder.com